

ZONING BOARD OF REVIEW

Barrington, Rhode Island

August 20, 2015

APPLICATIONS #3813, #3812

MINUTES OF THE MEETING:

At the call of the Chairman, Thomas Kraig, the Board met with Peter Dennehy, Elizabeth Henderson, Ladd Meyer and David Rizzolo.

Also present were Solicitor Andy Teitz, Building Official Bob Speaker and secretary Mary Ann Rosenlof.

At 7:00 P.M., Mr. Kraig called the meeting to order.

MINUTES OF THE PREVIOUS MEETING:

MOTION: Mr. Rizzolo made a motion to approve the July 23, 2015 minutes as written. Ms. Henderson seconded the motion and it carried unanimously (5-0).

Application #3813, Steve Thys, 150 Nayatt Rd., Barrington, RI, applicant, and Rhode Island Country Club, 150 Nayatt Rd., Barrington, RI, owner, for permission to add a 106' x 42' building, move gasoline AST and diesel AST to same location, add 20' x 80' material storage bins, complete paving, and add loft inside existing building, Assessor's Plat 6, Lot 001, RE District, 473 Middle Highway, Barrington, RI, requiring a special use permit for accessory use (golf course). The application seeks an amendment to a special use permit that was granted by the Board on December 18, 2014.

Present: Steve Thys, RI Country Club, 150 Nayatt Road, Barrington, RI

The Board indicated that they have received a letter from Mr. Thys requesting a continuance to amend this application in order to cover a height variance that was omitted from this request. Mr. Thys concurred and said that he would like to be heard at the September 17, 2015 Zoning Board meeting. Mr. Teitz stated that Mr. Thys would need to submit an amended application along with a site plan that shows the height elevation.

MOTION: Mr. Rizzolo made a motion to continue this application to the September 17, 2015 meeting. Mr. Dennehy seconded the motion and it carried unanimously (5-0).

Application #3812, Meridian Custom Homes, Inc., 1 Richmond Sq., Suite 117C, Providence, RI 02906, applicant and owner, for permission to tear down existing single family home and rebuild a 2-story single family home, Assessor's Plat 26, Lot 252, R-25 District, 7 Blount Circle, Barrington, RI, requiring dimensional relief for exceeding lot coverage.

Present: Alex Mitchell, Meridian Custom Homes, Inc.
Anthony DeSisto, Anthony DeSisto Law Associates, 450 Veterans Memorial
Parkway, Ste. 103, East Providence, RI
Kris Chwalk, Realtor, Residential Properties, Barrington, RI

Mr. DeSisto said that this was the second visit by the applicant for this property. The applicant was granted a request to withdraw his previous application in May 2015 so he could reformulate his plans.

Mr. Mitchell explained that they are seeking relief for lot coverage, which is 20% in the R-25 Zone. This is a grandfathered 10,000 sq. ft. lot in an R-25 Zone which makes it challenging to respect all of the R-25 regulations. They are not seeking any dimensional relief as it relates to the setbacks. The current house has 3 setback issues and exceeds the lot coverage standards. The only relief is for lot coverage. The existing lot coverage is 26.6% and the current application requests relief for 22.6% as compared with their prior application which required 24.9%. They took the Board's comments into consideration and designed a smaller home of just under 3,200 sq. ft. versus the prior proposal for a 3,700 + sq. ft. home.

Mr. Mitchell said that the mechanicals (HV A/C) will be in the attic and because of flood zone requirements; there will not be a useable basement. Therefore, they are in need of convenient storage space within the home and feel that this new design complies with the "least relief necessary" requirement. Also, the current home does not comply with flood zone and Town zoning regulations and the proposed new structure would correct that.

Mr. Mitchell recently spoke with neighbors Mr. Jozef Van Vollenhoven and Mr. James Pious who were present at the May 2015 Zoning Board meeting and had expressed concerns regarding water runoff onto their properties. They are now 100% behind this proposal after being assured, via a letter from an engineer, that there will be no issue of water runoff. Mr. Shepard, a neighbor to the north, is in favor of this application as well.

Ms. Chwalk stated that she has been a realtor in Barrington since 1994. She is familiar with this property in that she grew up in that neighborhood, had the listing when it was purchased by Meridian, and also knew the people who lived there. She does not believe that a house smaller than that which is being proposed would be marketable in that neighborhood. A smaller home right next door has been on the market for a long time and has not sold. Ms. Chwalk recently sold a home in the neighborhood that was 3,420 sq. ft. This neighborhood has changed and smaller homes no longer fit within this area. This proposal would be a great improvement to the neighborhood. Many other contractors have looked at the existing home and did not think that it was restorable.

At 7:26 p.m., the public participation portion of the hearing was closed.

DISCUSSION:

- If this 10,000 sq. ft. lot were in an R-10 zone; it would meet the lot coverage requirement.
- The proposal is a vast improvement over the situation that exists now.
- They are resolving the floodplain issue.
- The proposed construction will create less zoning variance than the existing house does.
- The financial issue is not the primary issue. The primary issue is that there is a hardship in that the existing home is in poor structural condition and needs to be replaced. No other contractors that looked at it thought that it was viable as a rehab.
- This is not an oversized house and is keeping with the feel of the neighborhood

MOTION: Mr. Rizzolo made a motion to approve this application. Mr. Dennehy seconded the motion and it carried unanimously (5-0).

REASON FOR DECISION:

It was the judgment of the Board that the standards in § 185-69 have been met: A) that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and is not due to an economic disability of the applicant; B) that the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain; C) that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the Comprehensive Plan; D) that the relief to be granted is the least relief necessary. Additionally, the standards for a dimensional variance set forth in Section § 185-71 have been met because the applicant has proved that the hardship to be suffered by the owner, absent granting the relief, would amount to more than a mere inconvenience.

ADJOURN:

There being no other business, Mr. Kraig moved to adjourn at 7:32 p.m. and the meeting was adjourned.

Respectfully submitted,

Mary Ann Rosenlof, secretary
Thomas Kraig, Chairman

cc: Andrew Teitz, Solicitor, Amy Goins, Assistant Solicitor